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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDIA: Knee-jerk reactions to deal with violence against women will not help

The Asian Legal Resource Centre (ALRC) wishes to raise its concern and draws the attention on the recurring and systemic issue of violence against women in India

In 2018, India was witness to some horrific crimes of sexual violence, especially against minors. In January 2018, an 8-year-old girl was found raped and murdered in Kathua, Jammu and Kashmir and the case finally got national attention only in April 2018. The little girl was said to have been raped and murdered to send a message out to the nomadic Bakarwal tribe in the region who are Muslims. Of the accused, two are police officers and the crime drew varied reactions from different quarters, including support for the accused from right-wing fundamentalist groups. Around the same time, in April 2018, in Unnao, Uttar Pradesh, a minor woman attempted to immolate herself outside the Chief Minister's office in protest. She alleged that she was raped by a politician from the ruling Bharatiya Janata Party (BJP) in June 2017, and her attempts at filing a complaint were in vain. Further, her father was arrested, allegedly at the behest of the politician's supporters and allegedly tortured in police custody, after which he died due to his injuries. In both cases, we see the use of state machinery to cover up cases of sexual violence and protect the powerful.

These cases also show the power wielded by the media to demand action, and our unhealthy dependency on the media to obtain justice. The media frenzy created is this case is a double-edged sword and in the aftermath of the Kathua rape and murder case, a legal ordinance imposing death penalty for cases of rape of girls below 12 years of age. It remains to be seen whether this ordinance will become the law.

The ALRC urges the UN Special Rapporteur on Violence against women, and the Human Rights Council, to engage with the Indian Government to establish long last solutions to end violence against women, most crucially with respect to the behaviour of law enforcement official in India. Further, the UN must enter into a dialogue with India regarding the futility and inhumaneness of the death penalty as a potential solution to end violence against women and instead encourage India to spend its efforts in reforming the criminal justice system.